

## IPSWICH PLANNING BOARD MEETING MINUTES

Thursday, July 21, 2016, 7:30 p.m.

Pursuant to a meeting notice posted by the Town Clerk and delivered to all Board members, a meeting of the Ipswich Planning Board was held on Thursday, July 21, 2016 in Room A, 2nd floor of Town Hall. Board members Heidi Paek, Keith Anderson, Kathleen Milano, Jay Stanbury, James McCambridge and Associate member, Carolyn Britt, attended. Senior Planner, Ethan Parsons, also attended.

Paek convened the meeting with a quorum present.

### **Citizens' Queries:**

None

### **Adopt Minutes of May 5 & May 23, 2016:**

Paek gave Parsons minor grammatical edits for the May 5<sup>th</sup> minutes.

*Stanbury moved to approve the May 5<sup>th</sup> minutes with Paek's edits. Milano seconded. The motion passed unanimously.*

*Anderson moved to approve the May 23rd minutes. Stanbury seconded. The motion passed unanimously.*

*Documents: Draft minutes of May 5 and May 23, 2016 meetings*

**Continued Public Hearing: Request for a special permit by Craig Bergeron for conversion of an accessory structure into a dwelling unit at 135 Topsfield Road (Assessor's Map 53A, Lot 4), which is located in the Rural Residence District pursuant to Section IX.P and XI.J, of the Zoning Bylaw.**

Paek said that all the questions were addressed since the applicant's last appearance and a draft decision has been prepared. Hearing no public comment or further comment from the Board, Paek asked for a motion to close the public hearing.

*Anderson moved to close the public hearing. Milano seconded. The motion passed unanimously.*

Parsons read the draft decision. Stanbury asked if the deed restriction would be included in the decision. Parsons said it would be included and explained to the applicant that he would need to file the restriction with the Registry of Deeds.

*Anderson moved to approve the decision as modified. Stanbury seconded. The motion passed unanimously.*

*Documents: Draft decision prepared by Planning Department staff 7/7/16*

**New Public Hearing: Request by Erik Montlack for Scenic Road approval for the installation of a driveway at 41 Pineswamp Road** (Assessor's Map A, Lot 3C).

Paek read the legal notice. Erik Montlack, owner of 41 Pineswamp Road, appeared before the Board to discuss the project and explained that he is building a house and would like a permanent, paved driveway opening within the right of way. Paek said it looks as though a 12 inch caliper tree was removed from the property and she requested a replacement tree. She would like to see something like a maple that would have a canopy. Montlack explained where he would like to plant the tree. Britt suggested planting something to fit into the streetscape. Parsons said he spoke with the DPW and they recommended a canopy tree. They were not specific about location but identified an area toward the west side of the frontage. Milano said all the oaks had been eaten in town by the caterpillars. The Board asked Montlack to plant a minimum 3-inch caliper maple tree.

*Anderson moved to approve the driveway at 16 feet paved, requiring a 3-inch caliper maple tree be planted by November 1<sup>st</sup>. Milano seconded. The motion passed unanimously.*

*Anderson moved to close the public hearing. Stanbury seconded. The motion passed unanimously.*

*Documents:*

- Letter from Erik Montlack dated 6/26/16
- Application form filed with Town Clerk 6/27/16
- Plan of Land with Proposed Septic System & Garage, prepared 5/25/16 by American Land Survey Associates, Inc.
- Site photograph submitted 7/21/16

**New Public Hearing: Request by Peter Argeropulos for Scenic Road approval for the installation of a driveway and removal of trees within the right of way at 43 Pineswamp Road** (Assessor's Map 41A, Lot 3B).

Paek read the legal notice. The applicant and owner of 43 Pineswamp Road, Peter Argeropulos, appeared before the Board and said he would like to replant two red maples of 2 ½-3 inch caliper for the trees that were removed by mistake. He is concerned because of how close the trees would be to the septic leaching field. The locations of the trees were discussed in relation to the septic system. Paek explained the DPW also recommend 2 trees. If the Board recommended three be replanted, the 3<sup>rd</sup> would not necessarily have to be a canopy tree. Stanbury would like to recommend that the trees be 3 inches in caliper. Britt would like to discuss in the future how to notify contractors of scenic road requirements so slips like this won't happen again.

Tim Hannibal, 52 Pineswamp Road: They are directly across the street from applicant, they are concerned about the driveway and the drainage coming into their property and in particular the pond. There is a culvert that drains directly into his lawn and the pond. His property has endured a lot with the construction of the new houses across the street. Paek explained that this was beyond the scope of what is being discussed tonight. Parsons explained that the projects were subject to the Stormwater Management Bylaw, which was under the authority of the DPW.

Anderson wanted to know if it was necessary to have a 20-foot entrance to the driveway. He asked how wide the driveway would be beyond the apron. He wondered if 16 feet would suffice. Argeropulos said he would like a driveway apron of 20 feet for safety as the driveway slopes considerably on his property.

The driveway would narrow on the property. Paek said they could do as they have done in other cases and allow a 16 foot wide paved driveway apron and then 2 additional feet of crushed stone on each side, which also may help drainage.

*Stanbury moved to approve the plan for tree replacement as presented (2 red maple trees with minimum caliper of 3 inches each) and to approve the driveway opening of 16 feet in width paved and 2 feet crushed stone on either side. Said tree planting to be complete by November 1<sup>st</sup>. Milano seconded. The motion passed unanimously.*

*Anderson moved to close the public hearing. Stanbury seconded. The motion passed unanimously.*

*Documents:*

- Memorandum to Planning Board from Peter Argeropulos
- Scenic Road application filed with Town Clerk
- Site photographs
- Pine Swamp Road Approval Not Required Plan marked-up, dated 7/21/16

**New Public Hearing: Proposed zoning amendments for Special Town Meeting** (amendments to housing and sign regulations and miscellaneous amendments).

Paek read the legal notice. Paek then handed out a packet on the housing article to the Board. This is not a new article completely, all items in this draft article are already part of the bylaw and the changes are intended to improve the application of the regulations. With regard to the infill article, the Board knows from market trends that the stock is tight for young people and elderly looking to downsize. Part of the changes include an amendment to Section VI, footnote 11, which allows for additional density in multifamily projects provided the applicant provides a significant public benefit. The article proposes to expand the footnote 11 guidelines so that the description of public benefit is made clearer, thereby benefitting the Board and applicants. The next change is to the infill housing provision that allows certain larger properties in the IR district to be divided into two separate lots. The provision has been used in the past to create moderately priced houses. The article would expand the applicability of the provision by allowing the division of oversized lots, not necessarily limited to those shown on an approved subdivision plan as is currently required. The third part involves the inclusionary housing section of the bylaw for single family subdivisions. Currently the bylaw requires cluster subdivisions to make 10% of units affordable but staff has learned this may discourage cluster subdivisions because it is onerous on developers. The amendment would allow payments to the Affordable Housing Trust Fund in lieu of building affordable housing units. The fourth part would make changes to the accessory structure conversion to housing unit section (IX.P). This has been used often this year and the Board has been challenged by buildings that push the limits of what the bylaw was intended to allow. The Board discussed requiring a minimum of 8,000 square feet if an accessory building was proposed on a lot with an existing single family dwelling and 10,000 square feet if the existing building was a two-family dwelling. The Board discussed stating a payment in lieu amount and a requirement that the property owner reside on the property. Anderson asked what the amount of the single family subdivision payment in lieu would be. Paek believes it would be \$10,000.

Parsons discussed the proposed changes to the sign regulations. The regulations have not been significantly altered since 1991 and signs and materials and the environment of the town have changed

substantially since then. The biggest change proposed would be to reformat the regulations. Anderson liked that a table was proposed as it would improve readability.

Parsons presented two miscellaneous changes. The first involves the definitions of “mixed used” and “multifamily dwelling”. The meaning of residential mixed use is embedded in the definition of multifamily but it belongs as its own definition. The second change addresses a discrepancy whereby in the PC District a personal consumer establishment that occupies less than 1,000 square feet is allowed to operate by right but a retail establishment of the same size requires a special permit. This change would allow retail establishments occupying less than 1,000 square feet by right.

*Anderson moved to continue the public hearing. Milano seconded. The motion passed unanimously.*

*Documents:*

- Housing Article presentation, dated 7/21/16
- Draft articles (housing 7/12/16; signs 7/1/16; miscellaneous 7/1/16)

**New Public Hearing: Request by Lorraine & John Page for a special permit for the proposed conversion of an accessory structure into a dwelling unit at 92 High Street** (Assessor’s Map 30D, Lot 154), which is located in the Intown Residence and Water Supply Protection Districts, pursuant to Section IX.P and XI.J, of the Zoning Bylaw.

Paek read the legal notice. John Page, owner and applicant, appeared before the Board to explain the project. There is a barn on the property and he is looking to convert part of it to an apartment for one of his daughters. The garage floor will be converted to a studio and the upper floor will be the apartment. Paek set up a site visit for Saturday, July 23<sup>rd</sup> at 9AM. Hearing no further questions or comments, Paek requested a motion to continue the public hearing.

*Milano moved to continue the public hearing. Anderson seconded. The motion passed unanimously.*

*Documents:*

- Existing Elevations, Proposed Elevations, Floor Plans, prepared by Weatherall Design, 5/18/16

**Continued Public Hearing: Request by James Zabelski for a special permit for the proposed conversion of an accessory structure into a dwelling unit at 15 Estes Street** (Assessor’s Map 42A, Lot 187), which is located in the Intown Residence District, pursuant to Section IX.P and XI.J, of the Zoning Bylaw.

James Zabelski and David Jaquith appeared before the board to discuss the project. Paek explained a draft decision was prepared for this meeting and the applicant confirmed they did not have any objections to what they read in the decision. Jaquith presented a handout to the Board detailing minor changes. Parsons asked about open space, he would like the applicant to show and certify that the footprint of the barn is getting smaller. They need to comply with the open space requirement of 30%. Parsons thought they would meet this, he said it needed to be shown. Paek noted that Sharon Leblanc of 19 Estes Street sent emails to the Board and she wanted to address her concerns. Paek confirmed that the parcel cannot be divided, and restricting commercial vehicle parking has been worked into the draft decision. Leblanc also asked about the design of the barn and it was confirmed the plan approved would be what was built.

Sharon Leblanc, 19 Estes Street: Asked what would happen if there would be a new owner of the property. It was explained this decision runs with the land, so they will also be subject to the conditions to the special permit. She also wondered if when the barn was torn down the fence bordering her property would be put back up. It was confirmed it would.

*Stanbury moved to close the public hearing. Anderson seconded. The motion passed unanimously.*

Parsons read the draft decision. Paek wanted to be clear the decision should include language that moving the structure corrects an encroachment over the property line. Paek noted that five parking spaces are required and eight are requested. She wanted to know if seven would be acceptable to the Board. She would like to remove parking space number seven or four as marked on the plan. The applicant confirmed number eight was already removed. The Board requested that the space closest to Estes Street also be removed. Parsons read the draft decision.

*Anderson moved to approve the decision as discussed. Milano seconded. The motion passed unanimously.*

*Documents:*

- Draft decision prepared by Planning Department staff 7/18/16
- Emails from Sharon Leblanc to E. Parsons, 6/13/16, 6/20/16, 6/24/16, 6/26/16, 6/27/16

**Continued Public Hearing: Request by Jonathan & Nicole Robie for a special permit and site plan approval for a 10-unit multifamily development at 48 Market Street** (Assessor's Map 42A, Lot 201), which is located in the Central Business District, pursuant to but not limited to *Sections V, VI.B and Footnote 11, X and XI.J*, of the Zoning Bylaw.

Nicole Robie, applicant, appeared before the Board to discuss the project. Cammett Engineering's report has come in since the last meeting. Cammett made suggestions mainly about drainage and noted that a stormwater management standard remained unmet. It appears all other questions have been addressed. Robie said they submitted new drawings addressing Cammett's comments. Parsons said Cammett is requesting additional information relative to storm water management standard 2. They would like the engineer to perform calculations to show the infiltration rate for the soils and noted that the recharge facilities should hold 100% of the runoff due to the 100 year storm. Paek asked if anyone from the public or Board had any further comment. Hearing none, she asked for a motion to close the public hearing.

*Milano moved to close the public hearing. Anderson seconded. The motion passed unanimously.*

Parsons read the draft decision. Anderson said under condition 6 it should say "any new dwelling unit" simply because there are two existing units on site. Paek requested the Board write a letter to the Selectmen because their approval is needed to remove a parking space on Market Street and the Board's approval is conditioned on this. Parsons asked the Board if they would like to include a condition that would allow the applicant to request a temporary certificate of occupancy. Paek thought this was a good suggestion and the Board could issue a temporary occupancy permit if required.

*Stanbury moved to approve the special permit and site plan approval as presented in the draft decision and as amended per the Board's discussion. Milano seconded the motion. The motion passed unanimously.*

*Documents:*

- Draft decision prepared by Planning Department staff 7/19/16
- Cammett Engineering memorandum, 7/19/16

**Continued Public Hearing: Request by Tom Kulevich and Rick Cohen for a special permit for a proposed wall sign at 95 Turnpike Road**, which is located in the Planned Commercial District, pursuant to Section VIII and XLJ of the Zoning Bylaw.

Tri-City Sales appeared before the Board and discussed where the project stood. Paek explained the sign on the roof has been reduced in size and the latest version is more the scale she had hoped to see. Stanbury stated at the last meeting there was some discussion on having some light shining up on the roof sign and it didn't look like this had been done. It was confirmed that they did not add exterior lighting but were sticking with the internally illuminated sign. Stanbury said he would like to see the profile of the building and sign to see where the sign would fit because he would like to see the sign behind the snow stop and as far back on the roof as possible. Anderson felt the snow stop was there for a reason and the sign should not be working as the snow stop. He felt backed up against the snow stop seemed better so the sign would never be interfering with the snow stop. Paek explained most businesses on the Rowley side of Route 1 do not have any signs other than a freestanding sign. Paek also requested the Board keep in mind that at fall town meeting they are proposing changes to the sign bylaw. Paek was willing to support this project because the applicants had made compromises that made the sign size appropriate. Paek asked the Board if they were willing to move forward and review the draft decision. Paek felt she would feel better if the sign was mounted to the wall instead of the roof, and appreciates what was said about the snow stop and is comfortable with it being mounted behind the snow stop and closer to the wall. Britt said she doesn't consider this a roof sign, but she thinks about whether they want that to be considered a roof sign. It is where a sign band would be on a traditionally designed building noting this building façade doesn't make accommodations for larger wall signs. Milano felt the freestanding sign accomplished effective identification because this is the only store on site. Stanbury agreed with Milano saying he does not feel the sign fits Ipswich.

*Anderson moved to approve the sign as shown located as close to the wall as possible subject to the conditions listed in the draft decision. Paek seconded. The motion passed unanimously.*

*Anderson moved to close the public hearing. Milano seconded. The motion passed unanimously.*

The freestanding sign was discussed. There were some changes made to the design of the sign so there is a modification request.

*Stanbury moved this is a major modification. There was no second.*

*Anderson moved this is a minor modification. Milano seconded. The motion passed 4-1.*

Paek liked the original sign better and is not in favor of the proposed changes. The applicant thought at the last meeting they left in agreement that the street sign was very important and having the logo on the sign defines who they are and is their brand. Parsons asked if they could scale the logo down to fit above the address. The applicant suggested moving the address to make the logo as large as possible. Paek concurred the logo would be important and understood their concerns. As for moving the address they would need to check what the public safety requirements are. Anderson thought the Fire Chief may

require the number to be visible, but if that is not a rule he is fine with putting it on the base. Anderson explained that if the address could be removed he also was in favor of maximizing the space left for the logo. Paek felt the sense of the Board is to not approve the minor modification. Parsons would discuss with public safety the possibility of moving the address. Paek said if the address can be moved, and the shape of the sign does not change the Board would find the sign acceptable as it would not be concerned with the content on the sign.

*Paek moved to allow the minor modification to the freestanding sign provided the shape of the sign stays the same. The address may remain on the sign either where it is currently installed or may be mounted on the base provided this is acceptable to public safety departments. Stanbury seconded. The motion passed unanimously.*

*Documents:*

- Draft decision prepared by Planning Department staff 7/19/16
- Sign drawing, prepared by ACME Sign 7/14/16 (2 pages)

**Request by Clarke Associates for minor modification to Special Permit granted 12/10/15 for conversion of accessory building into a dwelling unit at 10 North Main Street.**

The applicants were not in the audience. Parsons recommended deferring discussion until they could be here.

Bill Heenehan, 6 North Main Street: Said he felt the requested changes to the special permit were premature because neither he nor the other owner of the condominium had approved the site plan. He said it could be different by the time it made it to the Board.

Anderson wanted to know what the main changes were. Parsons explained the changes briefly.

Because the applicant was not present, the Board deferred the matter to a future meeting.

**Continued Public Hearing: Request by the Great Escape for a special permit for a proposed retail establishment at 78 Turnpike Road,** which is located in the Planned Commercial District, pursuant to Section V and XLJ of the zoning bylaw.

The applicant requested a continuation without discussion.

*Anderson moved to continue the public hearing without discussion. Milano seconded. The motion passed unanimously.*

**New Business:**

None

**Adjournment:** Anderson moved to adjourn the meeting. Stanbury seconded. The motion passed unanimously.

Respectfully submitted by Jennifer Dionne

The Board approved these minutes on September 22, 2016